

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, FEBRUARY 9, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:02 p.m. on Monday, February 9, 2004, with President Boyd presiding.

President Boyd led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley
2 ABSENT: Langsford, Speedy

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Abdullah introduced Alton Williams and a group of mentors from Good Truth Tabernacle and young men from area high schools involved in the mentoring program. Councillor Conley recognized Brent Davis, a former resident of Indianapolis who has moved back and begun a new business. Councillor Mahern introduced his father, State Representative Ed Mahern. Councillor Schneider recognized J.R. Gaylor of the Building and Trade Association. Councillor Sanders recognized Tom O'Donnell, president of the Central Indiana Builder's Association, and John Griffin, counsel to the Association.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 9, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Rozelle Boyd
President, City-County Council

January 27, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, January 28, 2004 and in the *Indianapolis Star* on Thursday, January 29, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 30-32 and 34-42, 2004, said hearing to be held on Monday, February 9, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

February 6, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following resolution:

FISCAL ORDINANCE NO. 2, 2004 - approves an increase of \$8,300,000 in the Non-Lapsing Funds Budget of the Department of Metropolitan Development, Community Development Division (Non-Lapsing Federal Grants Fund) to assist in the relocation of citizens currently living in the Parkwoods apartment complex in order to redevelop the area, financed by a federal grant

FISCAL ORDINANCE NO. 3, 2004 - approves an increase of \$1,107,182 in the 2004 Budget of the Department of Metropolitan Development (Federal Grants and Redevelopment General Funds) to fund the construction activities for the Indiana University Emerging Technologies Center and a parking lot at 11th Street and Senate Avenue, financed by a federal grant and fund balance

FISCAL ORDINANCE NO. 4, 2004 - approves an increase of \$3,980,000 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division (Federal Grants Fund), to provide Home Investment Partnerships (HOME) funding to local grant applicants in need of assistance, financed by a federal grant

FISCAL ORDINANCE NO. 5, 2004 - approves an increase of \$465,700 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division (Federal Grants Fund) to acquire additional real property for the Fall Creek Place project, financed by revenues from the sale of properties originally purchased with federal grants

FISCAL ORDINANCE NO. 6, 2004 - approves an increase of \$1,264,800 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division (Federal Grants Fund) to reduce lead base paint hazards in low income neighborhoods, financed by a federal grant

FISCAL ORDINANCE NO. 7, 2004 - approves an increase of \$1,600,000 in the 2004 Budget of the Department of Metropolitan Development (Non-Lapsing Federal Grants Fund) to provide rent subsidies to

February 9, 2004

individuals who were formerly homeless, financed by a federal grant from the U.S. Department of Housing and Urban Development (HUD)

FISCAL ORDINANCE NO. 10, 2004 - approves an increase of \$100,000 in the 2004 Budget of the Department of Metropolitan Development (Federal Grants Fund) to pay off-duty law enforcement officers to secure the Parkwoods apartment complex while Community Development staff assist with relocation of the current tenants, financed by a transfer of funds

GENERAL RESOLUTION NO. 1, 2004 approves a bond issuance not to exceed Fifty Million Dollars (\$50,000,000) to fund Department of Waterworks capital projects

GENERAL RESOLUTION NO. 2, 2004 - approves certain public purpose grants totaling \$500,000 from the Drug Free Community Fund

GENERAL RESOLUTION NO. 3, 2004 - approves the City's deferred compensation plan for its sworn firefighters

Respectfully,
Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Sanders made the following motion:

Mr. President:

Proposal Nos. 34 and 35, 2004 were incorrectly placed under Final Adoption on the agenda and should be moved under Public Hearing, as they were advertised for such this evening. I move that the agenda be amended to reflect that change.

Councillor Moriarty Adams seconded the motion, and Proposal Nos. 34 and 35, 2004 were moved to page ten of the agenda by a unanimous voice vote.

Councillor Randolph stated that Proposal No. 55, 2004, which was introduced at the last meeting and deals with the inventory tax, is not on the agenda for the Rules and Public Policy Committee hearing tomorrow evening. He asked if it could be placed on the agenda, as action is needed before March 1, 2004. President Boyd, chairman of the Rules and Public Policy Committee, stated that he has not seen a fiscal impact statement for this proposal, and it would be difficult for the committee to take any action on such a proposal without replacement funds being identified. Councillor Randolph said that the introduction of this proposal is the perfect opportunity to discuss the big picture and talk about economic development and tax structures. He said that inaction will only hurt those on fixed incomes and the working poor, as the Council would be saying that they know a tax increase is coming but will not talk about it. President Boyd said that he feels the fiscal impact should be researched before such an action can be taken.

Councillor Borst stated that according to the Rules of the Council, a hearing is required on a proposal within 45 days of introduction. He said that the next Rules and Public Policy Committee hearing is not scheduled until March 16, 2004, and this would exceed that 45-day hearing requirement. President Boyd said that he could easily schedule an extra meeting to hear the proposal, and would be glad to do so when more information and a fiscal impact statement is provided. He said that he would be glad to work with Councillor Randolph to put the proposal in a different form and identify replacement funds. Councillor Randolph said that the introduction of the proposal is the impetus to begin discussing options, and by not scheduling it for a hearing, the Council is telling the taxpayers that they know a tax increase is coming but are not going to do anything about it. He said that the City is facing unfunded public transportation, job loss, and

high foreclosure rates, and the Council is not protecting taxpayers if they are not willing to give it a hearing.

Councillor Gibson stated that looking at just one taxing area will not address all the problems facing taxpayers. He said that services still need funded, and without identification of replacement funds, many vital services might have to be cut since they are already underfunded.

Councillor Randolph said that the inventory tax is going to go away in 2007 whether this Council acts or not, and discussions needs to start taking place now.

Councillor Gray said that if the proposal is prepared correctly and brought back with a fiscal impact statement, the Chairman has agreed to place it on the agenda.

Councillor Schneider said that the Rules of the Council are plain regarding a 45-day hearing, and just because a Councillor does not like the way the proposal is formatted, they cannot deny the hearing.

President Boyd said that he will be glad to have further discussion with Councillor Randolph about how the proposal can be acted on responsibly, but would like to move forward with tonight's agenda, since this discussion is not pertinent to tonight's hearing.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of January 26, 2004. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 46, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 46, 2004 on January 27, 2004. The proposal, sponsored by Councillor Nytes, reappoints Doris A. Sadler to the Information Technology Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Talley, for adoption. Proposal No. 46, 2004 was adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Salisbury, Sanders, Schneider, Talley

0 NAYS:

1 NOT VOTING: Randolph

2 ABSENT: Langsford, Speedy

Proposal No. 46, 2004 was retitled COUNCIL RESOLUTION NO. 9, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 9, 2004

A COUNCIL RESOLUTION reappointing Doris A. Sadler to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

February 9, 2004

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Doris A. Sadler

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 48, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 48, 2004 on February 2, 2004. The proposal, sponsored by Councillor Talley, reappoints Aaron Haith to the Public Housing Board. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption.

Councillor Borst moved to return Proposal No. 48, 2004 to committee, in light of some new information received in caucus meeting this evening. Councillor Cockrum seconded the motion.

President Boyd asked what information this is based on. Councillor Borst said that some problems with the appointment were brought to light, and he is not sure it would benefit anyone to discuss them in this forum. He would simply like to see the proposal returned to committee for further discussion. Councillor Talley asked if the information concerns work Mr. Haith has done on the Public Housing Board. Councillor Borst said that the information pertains to character and may pertain to Mr. Haith's ability to serve.

The motion to return Proposal No. 48, 2004 to committee failed on the following roll call vote; viz:

12 YEAS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider

15 NAYS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

2 ABSENT: Langsford, Speedy

Proposal No. 48, 2004 was adopted on the following roll call vote; viz:

15 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

12 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider

2 ABSENT: Langsford, Speedy

Proposal No. 48, 2004 was retitled COUNCIL RESOLUTION NO. 10, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 10, 2004

A COUNCIL RESOLUTION reappointing Aaron Haith to the Public Housing Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Public Housing Board, the Council reappoints:

Aaron Haith

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 49, 2004. Councillor Gibson reported that the Municipal Corporations Committee heard Proposal No. 49, 2004 on February 2, 2004. The proposal, sponsored by Councillor Gibson, appoints Rozelle Boyd to the Capital Improvements Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gibson moved, seconded by Councillor Conley, for adoption.

Councillor Borst stated that he will support the proposal, although he is half-hearted about it, as it will in effect vote himself off as the Council's appointment to this board. He said that it has been a joy to serve.

Proposal No. 49, 2004 was adopted on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley

0 NAYS:

2 ABSENT: Langsford, Speedy

Proposal No. 49, 2004 was retitled COUNCIL RESOLUTION NO. 11, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 11, 2004

A COUNCIL RESOLUTION appointing Rozelle Boyd to the Capital Improvements Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Capital Improvements Board, the Council appoints:

Rozelle Boyd

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 69, 2004. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$352,984 in the 2004 budget of the Marion County Recorder (Recorder's Perpetuation Fund) to fund operating expenses with Recorder's Perpetuation Funds "; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 70, 2004. Introduced by Councillors Gray, Cockrum, and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$850,000 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to construct a junior golf facility including a clubhouse, range/practice area and a three hole short course as part of the Indy Parks First Tee project, financed by private grants and fund balance"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 71, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$32,000 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing State Grants Fund) to fund "Afternoons ROCK in Indiana," a youth drug, alcohol, smoking and gang prevention and conflict resolution program, funded by a state grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 72, 2004. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$183,367 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to repair and extend the boat ramp, perform bank stabilization, and construct an Americans with Disabilities (ADA) compliant lift as part of the Broad Ripple Boat Ramp project, financed by a federal grant "; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 73, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$569,997 in the 2004 budget of the Marion County Sheriff's Department (County General Fund) to hire 22 additional corrections officers, funded by a reduction in the Community Corrections Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 75, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$85,752 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) for a one-time reimbursement for eight (8) Officers assigned to Indianapolis Metropolitan Gang Safe Streets, funded by a grant from Indianapolis Metropolitan Gang Safe Streets"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 76, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$14,115 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) to reimburse one Officer assigned to the Drug Enforcement Administration, funded by a grant from the Drug Enforcement Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 77, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,000 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) for the reimbursement for one Officer assigned to the U.S. Marshal Fugitive Task Force, funded by a grant from the U.S. Marshal Fugitive Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 78, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$25,000 in the 2004 Budget of the Marion County Clerk (State and Federal Grants Fund) for the Protective Order Pro Bono Project of Greater Indianapolis, Inc., funded by a grant from Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 79, 2004. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which clarifies the source of the law enforcement powers of the city's animal care and control officers"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 80, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Marion County Public Defender Board's nomination of David Cook as Chief Public Defender "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 81, 2004. Introduced by Councillors Conley and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes and approves the execution of an agreement between the City of Indianapolis and the Indianapolis Airport Authority for the construction of a parallel Bridgeport Interceptor in Marion County"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 82, 2004. Introduced by Councillor Bowes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Thrush Drive and Winton Avenue"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 83, 2004. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of 47th Street and Cornelius Avenue"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 84, 2004. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Chisolm Trail and Yucatan Drive"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 85, 2004. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at the intersection of Five Points Road and Thompson Road"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 86, 2004. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Cornelius Avenue from 46th Street to 49th Street"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 87, 2004. Introduced by Councillors Gibson, Abdullah, and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school "Indianapolis Metropolitan Career Academy #1" by issuing a charter to Goodwill Education Initiatives, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 88, 2004. Introduced by Councillors Gibson, Abdullah, and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school "Indianapolis Metropolitan Career Academy #2" by issuing a charter to Goodwill Education Initiatives, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 89, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Deborah Bonnet to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 90, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Steve Ajamie to the County Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 91, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Leland Thomas to the County Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 92, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Amy Corsaro to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 93, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John Thompson to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 94, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Landrum Shields to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 95, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Fred Scott to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 96, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Charlie Garrido to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 97, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Nellie J. Daniels to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 98, 2004. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Christie Gillespi to the Indianapolis Economic Development Commission"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 99, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Amy Kotzbauer to the Board of

Zoning Appeals, Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 100, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Joanna Taft to the Board of Zoning Appeals, Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 101, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Bruce Curry to the Board of Zoning Appeals, Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 102, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Frank Hagaman to the Board of Zoning Appeals, Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 103, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Diane Guthrie to the Board of Zoning Appeals, Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 104, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Bob Kennedy to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 105, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Steven Stolen to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 106, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Brian P. Murphy to the Metropolitan Development Commission "; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 107, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints William "Duke" Oliver to the Urban Enterprise Association "; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 108, 2004. Introduced by Councillor Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Dr. Henry C. Bock to the Health and Hospital Board of Trustees"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 109, 2004. Introduced by Councillor Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Louis Mahern to the Indianapolis

Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 110, 2004. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Rick Cockrum to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 112, 2004. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Brian Payne to the Indianapolis Greenways Development Committee"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 113, 2004. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Joseph Shikany to the Indianapolis Greenways Development Committee"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 114, 2004. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Rosemary Dorsa to the Indianapolis Greenways Development Committee"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 115, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Tom Alvarez to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 116, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Robert Brown to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 117, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kim Robinson to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 119, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kathy Tyler Scott to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 120, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Tom Benjamin to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 121, 2004. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Tony Buford to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 122, 2004. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Al Finnell to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 123, 2004. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Sue Schalk to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 124, 2004. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Herb Bazemore to the Marion County Storm Water Management Advisory Committee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 125, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Belle Choate to the Alcoholic Beverage Board of Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 126, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Jackie Nytes to the Audit Committee"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 127, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints George Farley to the Audit Committee"; and the President referred it to the Rules and Public Policy Committee.

Councillor Cockrum said that it has come to his attention that the City received over \$1 million in unexpected County Option Income Tax (COIT) distribution. He said that he would like to suggest that the Mayor and Council work together and look at the possibility of using some of these funds as a partial short-term solution for the IndyGo public transportation funding issue. He said that he realizes a more long-term solution will need to be found, but this may help in the meantime. President Boyd said that he would be happy to work with Councillor Cockrum and the Mayor to discuss this option.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 68, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 68, 2004 on February 2, 2004. The proposal, sponsored by Councillor Talley, is an inducement resolution for Zion Properties, LLC in an amount not to exceed \$6,300,000 which consists of the acquisition and substantial rehabilitation of the existing 176 unit Park Plaza Apartments (to be renamed Pine Glen Apartments) located at 43 E. Hanna Avenue (District 23). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst stated that this project is in his district and is a worthwhile project. He said that he believes the developers will do a good job, and he urged his colleagues to support the proposal.

Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 68, 2004 was adopted on the following roll call vote; viz:

February 9, 2004

25 YEAS: *Abduallah, Borst, Bowes, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley*

0 NAYS:

2 NOT VOTING: *Boyd, Oliver*

2 ABSENT: *Langsford, Speedy*

Proposal No. 68, 2004 was retitled SPECIAL RESOLUTION NO. 2, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 2, 2004

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, rehabilitation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, Zion Properties, LLC or its assigns (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and substantial rehabilitation of the existing 176 unit Park Plaza Apartments (to be renamed Pine Glen Apartments) located at 43 E. Hanna Avenue, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$6,300,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on August 31, 2004, unless such bonds have been issued or an Ordinance authorizing

the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Moriarty Adams stated that the Public Safety and Criminal Justice Committee heard Proposal Nos. 30, 31, 32, 34, and 35, 2004 on January 28, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 30, 2004. The proposal, sponsored by Councillor McWhirter, approves an increase of \$210,000 in the 2004 budget of the Marion County Clerk (Clerk's Perpetuation Fund) to fund two trainers, filing supplies, services needed in the creation and implementation of a new State-wide judicial record keeping system and additional shelving for the Election Board Warehouse. PROPOSAL NO. 31, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$21,439 in the 2004 Budget of Marion County Sheriff's

Department (State and Federal Grants Fund) to reimburse two deputies for overtime that were assigned to the Indianapolis Violent Crimes Major Offenders Safe Street Task Force, funded by a grant from the Federal Bureau of Investigations. PROPOSAL NO. 32, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$1,000 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) to purchase a data projector and projection speakers. PROPOSAL NO. 34, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$3,400,000 in the 2004 Budget of the Department of Public Safety (Consolidated County Fund) to cover salaries and benefits of the civilians in the Arrestee Processing Center (APC), IPD Property Room, and identification area, financed by fund balance (The City-County Council reserved \$3.4 Million of the Consolidated County Fund for this appropriation.). PROPOSAL NO. 35, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$1,122,200 in the 2004 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants and Federal Grants Funds) to fund training, equipment acquisition, and other operational needs of the Urban Search & Rescue Task Force, financed by federal grants. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Boyd called for public testimony at 7:47 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal Nos. 30, 31, 32, 34, and 35, 2004 were adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley*
 0 NAYS:
 2 ABSENT: *Langsford, Speedy*

Proposal No. 30, 2004 was retitled FISCAL ORDINANCE NO. 11, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 115, 2003) appropriating an additional Two Hundred Ten Thousand Dollars (\$210,000) in the Clerk's Perpetuation Fund for purposes of the Marion County Clerk and reducing the unappropriated and unencumbered balance in the Clerk's Perpetuation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
 CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(h) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Clerk to fund two trainers, filing supplies, services needed in the creation and implementation of a new State-wide judicial record keeping system, and additional shelving for the Election Board Warehouse.

SECTION 2. The sum of Two Hundred Ten Thousand Dollars (\$210,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY CLERK</u>	<u>CLERK'S PERPETUATION FUND</u>
1. Personal Services- fringes	24,000
Personal Services	46,000
2. Supplies	100,000
3. Other Services and Charges	20,000
4. Capital Outlay	<u>20,000</u>
TOTAL INCREASE	210,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CLERK'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Clerk's Perpetuation Fund	<u>210,000</u>
TOTAL REDUCTION	210,000

SECTION 5. The projected December 31, 2004, fund balance for the Clerk's Perpetuation Fund is as follows:

Current cash balance 01-01-04	555,223
Anticipated additional revenue through December 31, 2004	<u>250,000</u>
Projected funds available	805,223
Remaining appropriations and encumbrances	63,000
Proposed additional appropriation	<u>210,000</u>
Funds required	273,000
Projected fund balance December 31, 2004	532,223

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 31, 2004 was retitled FISCAL ORDINANCE NO. 12, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Twenty-one Thousand Four Hundred Thirty-nine Dollars (\$21,439) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to reimburse two deputies for overtime that were assigned to the Indianapolis Violent Crimes Major Offenders Safe Street Task Force.

SECTION 2. The sum of Twenty-one Thousand Four Hundred Thirty-nine Dollars (\$21,439) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	1,524
1. Personal Services	<u>19,915</u>
TOTAL INCREASE	21,439

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>21,439</u>
TOTAL REDUCTION	21,439

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the

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appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 32, 2004 was retitled FISCAL ORDINANCE NO. 13, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional One Thousand Dollars (\$1,000) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to purchase a data projector and projection speakers.

SECTION 2. The sum of One Thousand Dollars (\$1,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>1,000</u>
TOTAL INCREASE	1,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>1,000</u>
TOTAL REDUCTION	1,000

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 34, 2004 was retitled FISCAL ORDINANCE NO. 14, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Three Million Four Hundred Thousand Dollars (\$3,400,000) in the Consolidated County Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to cover salaries and benefits of the civilians in the Arrestee Processing Center (APC), IPD Property Room, and identification area, financed by fund balance. The City-County Council reserved \$3.4 Million of the Consolidated County Fund for this appropriation.

SECTION 2. The sum of Three Million Four Hundred Thousand Dollars (\$3,400,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY	
<u>POLICE DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>3,400,000</u>
TOTAL INCREASE	3,400,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
	<u>RESERVE ACCOUNT</u>
Unappropriated and Unencumbered	
Consolidated County Fund – Reserve Account	<u>3,400,000</u>
TOTAL REDUCTION	3,400,000

SECTION 5. The projected December 31, 2004, fund balance for the Consolidated County Fund is as follows:

Est. Cash balance as of January 1, 2004	36,500,000
Estimated revenues 2004	<u>50,949,807</u>
Projected funds available	87,449,807
2004 remaining appropriations	60,192,049
2004 carryover appropriations	4,718,495
Proposed additional appropriation (Proposal No. 34, 2004)	<u>3,400,000</u>
Total Requirements	68,310,544
Projected fund balance December 31, 2004	19,139,263

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 35, 2004 was retitled FISCAL ORDINANCE NO. 15, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Million One Hundred and Twenty Two Thousand Two Hundred Dollars (\$1,122,200) in the Non-Lapsing Federal Grants and Federal Grants Funds for purposes of the Department of Public Safety and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants and Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to fund training, equipment acquisition, and other operational needs of the Urban Search & Rescue Task Force, financed by federal grants.

SECTION 2. The sum of One Million One Hundred and Twenty Two Thousand Two Hundred Dollars (\$1,122,200) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY
FIRE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

2. Supplies	46,614
3. Other Services and Charges	437,827
4. Capital Outlay	<u>551,759</u>
TOTAL INCREASE	1,036,200

DEPARTMENT OF PUBLIC SAFETY
FIRE DIVISION

FEDERAL GRANTS FUND

1. Personal Services	85,000
5. Internal Charges	<u>1,000</u>
TOTAL INCREASE	86,000

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>1,036,200</u>
TOTAL REDUCTION	1,036,200

FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Federal Grants Fund	<u>86,000</u>
TOTAL REDUCTION	86,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Gray reported that the Parks and Recreation Committee heard Proposal Nos. 36-39, 41, and 42, 2004 on January 29, 2004. He asked for consent to vote on these proposals together. Councillor Schneider said that he would like separate votes on Proposal Nos. 38 and 41, 2004. Consent was given to vote on Proposal Nos. 36, 37, 39, and 42, 2004 together.

PROPOSAL NO. 36, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$41,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to pay for playground equipment at Barton Park and a new shelter and individual playground components for Emhart Stadium, financed by a grant from Lowes Home Improvement. PROPOSAL NO. 37, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$25,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to fund the Indianapolis Parks and Recreation Latino Outreach Initiative, which is designed to coordinate communication strategies for Indianapolis' growing Latino community, financed by the Clowes Fund, Inc. PROPOSAL NO. 39, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$2,228,575 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to complete numerous capital improvement projects at Washington, Bethel, Rhodius, Christian, Municipal Gardens, Eagle Creek, and Garfield parks, as well as furniture and fixtures for the new buildings (This request is to re-appropriate the unobligated balance of a \$10 Million grant awarded in 2001 by the Lilly Endowment.). PROPOSAL NO. 42, 2004. The proposal, sponsored by Councillors Gray

and Cockrum, approves an increase of \$106,459 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to support the Children's Folk Dance Festival and to continue environmental education throughout the community by extending the Hub Naturalist Program, financed by local grants. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Boyd called for public testimony at 7:51 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 36, 37, 39, and 42, 2004 were adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley*
0 NAYS:
2 ABSENT: *Langsford, Speedy*

Proposal No. 36, 2004 was retitled FISCAL ORDINANCE NO. 16, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Forty One Thousand Dollars (\$41,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to pay for playground equipment at Barton Park and a new shelter and individual playground components for Emhart Stadium, financed by a grant from Lowes Home Improvement.

SECTION 2. The sum of Forty One Thousand Dollars (\$41,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
4. Capital Outlay	<u>41,000</u>
TOTAL INCREASE	41,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>41,000</u>
TOTAL REDUCTION	41,000

SECTION 5. The projected December 31, 2004, fund balance for the Park General Fund is as follows:

Estimated cash balance as of January 1, 2004	11,670,163
Estimated revenues 2004	25,040,688
2004 New Revenues	<u>131,459</u>
Projected funds available	36,842,310

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2004 remaining appropriations	25,403,819
2004 Carryover appropriations	6,302,142
Pending additional appropriation requests (Proposal Nos. 37, 39, & 42, 2004)	2,360,034
Proposed additional appropriation (Proposal No. 36, 2004)	<u>41,000</u>
Total Requirements	34,106,995

Projected fund balance December 31, 2004	2,735,315
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SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 37, 2004 was retitled FISCAL ORDINANCE NO. 17, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 17, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Twenty Five Thousand Dollars (\$25,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund the Indianapolis Parks and Recreation Latino Outreach Initiative, which is designed to coordinate communication strategies for Indianapolis' growing Latino community, financed by the Clowes Fund, Inc.

SECTION 2. The sum of Twenty Five Thousand Dollars (\$25,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>25,000</u>
TOTAL INCREASE	25,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>25,000</u>
TOTAL REDUCTION	25,000

SECTION 5. The projected December 31, 2004, fund balance for the Park General Fund is as follows:

Estimated cash balance as of January 1, 2004	11,670,163
Estimated revenues 2004	25,040,688
2004 New Revenues	<u>131,459</u>
Projected funds available	36,842,310
2004 remaining appropriations	25,403,819
2004 Carryover appropriations	6,302,142
Pending additional appropriation requests (Proposal Nos. 36, 39, & 42, 2004)	2,294,575
Proposed additional appropriation (Proposal No. 37, 2004)	<u>106,459</u>
Total Requirements	34,106,995
Projected fund balance December 31, 2004	2,735,315

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 39, 2004 was retitled FISCAL ORDINANCE NO. 18, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Two Million Two Hundred and Twenty Eight Thousand Five Hundred and Seventy Five Dollars (\$2,228,575) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to complete numerous capital improvement projects at Washington, Bethel, Rhodius, Christian, Municipal Gardens, Eagle Creek, and Garfield parks, as well as furniture and fixtures for the new buildings. This request is to re-appropriate the unobligated balance of a \$10 Million grant awarded in 2001 by the Lilly Endowment.

SECTION 2. The sum of Two Million Two Hundred and Twenty Eight Thousand Five Hundred and Seventy Five Dollars (\$2,228,575) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
4. Capital Outlay	<u>2,228,575</u>
TOTAL INCREASE	2,228,575

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>2,228,575</u>
TOTAL REDUCTION	2,228,575

SECTION 5. The projected December 31, 2004, fund balance for the Park General Fund is as follows:

Estimated cash balance as of January 1, 2004	11,670,163
Estimated revenues 2004	25,040,688
2004 New Revenues	<u>131,459</u>
Projected funds available	36,842,310
2004 remaining appropriations	25,403,819
2004 Carryover appropriations	6,302,142
Pending additional appropriation requests (Proposal Nos. 36, 37, & 42, 2004)	172,459
Proposed additional appropriation (Proposal No. 39, 2004)	<u>2,228,575</u>
Total Requirements	34,106,995
Projected fund balance December 31, 2004	2,735,315

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 42, 2004 was retitled FISCAL ORDINANCE NO. 19, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Hundred and Six Thousand Four Hundred and Fifty Nine Dollars (\$106,459) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

February 9, 2004

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to support the Children's Folk Dance Festival and to continue environmental education throughout the community by extending the Hub Naturalist Program, financed by local grants.

SECTION 2. The sum of One Hundred and Six Thousand Four Hundred and Fifty Nine Dollars (\$106,459) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>106,459</u>
TOTAL INCREASE	106,459

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>106,459</u>
TOTAL REDUCTION	106,459

SECTION 5. The projected December 31, 2004, fund balance for the Park General Fund is as follows:

Estimated cash balance as of January 1, 2004	11,670,163
Estimated revenues 2004	25,040,688
2004 New Revenues	<u>131,459</u>
Projected funds available	36,842,310
2004 remaining appropriations	25,403,819
2004 Carryover appropriations	6,302,142
Pending additional appropriation requests (Proposal Nos. 36, 37, & 39, 2004)	2,294,575
Proposed additional appropriation (Proposal No. 42, 2004)	<u>106,459</u>
Total Requirements	34,106,995
Projected fund balance December 31, 2004	2,735,315

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 38, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$125,000 in the 2004 Budget of the Department of Parks and Recreation (Federal Grants Fund) to continue the summer lunch program through 2004 for needy children in the Indianapolis area, financed by a federal grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 7:54 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Talley, for adoption. Proposal No. 38, 2004 was adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Talley*
2 NAYS: *Cain, Schneider*
2 ABSENT: *Langsford, Speedy*

Proposal No. 38, 2004 was retitled FISCAL ORDINANCE NO. 20, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Hundred and Twenty Five Thousand Dollars (\$125,000) in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to continue the summer lunch program through 2004 for needy children in the Indianapolis area, financed by a federal grant.

SECTION 2. The sum of One Hundred and Twenty Five Thousand Dollars (\$125,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>125,000</u>
TOTAL INCREASE	125,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>125,000</u>
TOTAL REDUCTION	125,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 41, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase and transfer of \$167,426 in the 2004 Budget of the Department of Parks and Recreation (Federal Grants and Park General Fund) to continue the after school programs for the children in the Forest Manor School near 38th & Sherman and School #108, for the 2003-2004 school year, financed by a federal grant and transfer of funds between characters. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 7:55 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Cockrum, for adoption. Proposal No. 41, 2004 was adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Talley*

1 NAY: *Schneider*

2 ABSENT: *Langsford, Speedy*

February 9, 2004

Proposal No. 41, 2004 was retitled FISCAL ORDINANCE NO. 21, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) transferring and appropriating an additional One Hundred and Sixty-Seven Thousand Four Hundred and Twenty Six Dollars (\$167,426) in the Park General and Federal Grants Funds for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to continue the after school programs for the children in the Forest Manor School near 38th & Sherman and School #108, for the 2003-2004 school year, financed by a federal grant and transfer of funds between characters.

SECTION 2. The sum of One Hundred and Sixty Seven Thousand Four Hundred and Twenty Six Dollars (\$167,426) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	21,905
2. Supplies	14,749
3. Other Services and Charges	108,359
4. Capital Outlay	<u>508</u>
TOTAL INCREASE	145,521

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>21,905</u>
TOTAL INCREASE	21,905

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>145,521</u>
TOTAL REDUCTION	145,521

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	<u>21,905</u>
TOTAL DECREASE	21,905

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 43, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 43, 2004 on January 27, 2004. The proposal, sponsored by Councillor Boyd, authorizes an agent to accept pension liability on behalf of the City of Indianapolis and Marion County, Indiana. By a 6-0 vote, the Committee reported the proposal to

the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 43, 2004 was adopted on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley

0 NAYS:

2 ABSENT: Langsford, Speedy

Proposal No. 43, 2004 was retitled SPECIAL RESOLUTION NO. 3, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 3, 2004

PROPOSAL FOR A SPECIAL RESOLUTION to authorize an agent to accept pension liability on behalf of the City of Indianapolis and Marion County, Indiana.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council as the governing body of the City of Indianapolis, or its agent, is required to accept pension liability and to certify, execute and deliver documents related to the Public Employees' Retirement Fund of Indiana.

SECTION 2. The City-County Council of the City of Indianapolis and Marion County, Indiana, hereby authorizes Barbara A. Lawrence, as the Controller of the City of Indianapolis, as its agent to accept pension liability, pursuant to IC 5-10.2-3-1, to execute, certify and deliver documents related to the Public Employees' Retirement Fund of Indiana, and certifies any such actions taken on or after January 1, 2004, and prior to the adoption of this resolution.

SECTION 3. The authority granted by Special Resolution No. 74, 2003, hereby is rescinded.

SECTION 4. This resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of the Public Employees' Retirement Fund of Indiana.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 47, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 47, 2004 on February 2, 2004. The proposal, sponsored by Councillors Talley, Boyd, and Abdullah, authorizes the City of Indianapolis to issue one or more series of its "Economic Development Revenue Bonds, Series 2004 (Circle Block Project)" in an aggregate principal amount not to exceed \$30,250,000 and approves and authorizes other actions in respect thereto. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Gray, for adoption.

Councillor Franklin asked if she understands this project correctly. She said that she assumes there will be no cost to the taxpayers and the project will bring increased revenue and possibly economic development to Indianapolis, as well as generate property tax revenue on a long-time vacant parcel. Councillor Talley said that this is correct.

Councillor Randolph asked if there is a Project Labor Agreement (PLA) attached to this project. Councillor Talley said that there is. Councillor Randolph asked if all participants in the project will be required to become signatories to the Union. Councillor Talley said that PLAs are used on many City projects and allow the projects to proceed on time and on budget with minority and

women-owned business participation. He said that it does not, however, preclude non-Union firms from being involved. Councillor Sanders added that the PLA is between the developer, the construction manager, and the unions, and not mandated by the City. Councillor Randolph said that the project is being built with taxpayer money, though. Councillor Sanders said that there are no tax dollars going into the project, other than revenues generated by the project.

Councillor Borst asked with regards to sharing in the profits of the taxable bonds, where will this revenue go, and how will it be appropriated. Robert Clifford, executive director of the Indianapolis Local Public Improvement Bond Bank, stated that there has been no firm determination as to how these revenues will be spent, and they would have to go through the Council for appropriation. Councillor Borst asked what debt is being refinanced with a portion of the bonds. Mr. Clifford said that this debt is for the outstanding mortgage on the Circle Area Garage, which is part of the Emmis project. Councillor Borst said that he understood the revenue from the World Wonders Garage, which is being slated to use to pay a portion of these bonds, was needed to pay for the mall project. Mr. Clifford said that these revenues were pledged to the Emmis project in 1998 and the revenue stream is more than sufficient.

Councillor Randolph asked if being a signatory project for the Union means that the project will hire Union personnel exclusively. Councillor Talley deferred to Councillor Sanders. Councillor Schneider asked what role Councillor Sanders plays in this project. He said that her name was not mentioned in the committee minutes, and he is confused about her role and ability to answer these types of questions. Councillor Sanders said that she is familiar with the use of PLAs because of her background in Union work. She said, however, that she is not involved in this particular project and is not privy to the details of the PLA and deferred to Tom O'Donnell, president of the Central Indiana Building and Trade Association. Councillor Randolph asked Mr. O'Donnell if the project will hire on merit and consider non-Union personnel, or will hire exclusively from the Union. Mr. O'Donnell said that the hiring will be done through the Union on this project according to the PLA. Councillor Randolph asked if companies bid for parts of the project and win, if they will be asked to replace existing labor force with Union personnel. Mr. O'Donnell said that the project will be similar to the library project, which currently employs two non-Union contractors. He said that the PLA does not exclude non-Union contractors from bidding on portions of the project. Councillor Randolph asked if the non-Union contractors must submit to Union doctrine and practices if awarded the contract. Mr. O'Donnell said that all contractors would be subject to the wages and terms set by the PLA. He said that many major projects Downtown have operated under similar PLAs, such as the Circle Centre Mall, Conseco Fieldhouse, the Convention Center and RCA Dome expansion, the Hall of Champions, Indiana State Museum, and the current Marion County Library project. He said that PLAs are used to insure that the projects are all done safely, on time, and within the budget. PLAs also insure minority and women-owned business participation percentages.

President Boyd said that these kinds of detailed questions should be handled in the committee forum rather than in this larger setting. He said that when Councillors do not sit on a particular committee as a member, they are still welcome to attend and ask questions regarding subjects for which they have interest.

Councillor Randolph asked if the City will require the developer to abide by the PLA to secure the contract. Mr. Clifford said that the developer has already been chosen, and the PLA is between the developer and the building trade industry, and is not mandated by the City's contract with the developer. He said that PLAs and Union participation are not used to determine who wins the bid.

Councillor Randolph asked if J.R. Gaylor, president of the Building and Trade Association, representing non-Union employees, could speak. President Boyd ruled that this is not a public hearing for this proposal, and the proper time for Mr. Gaylor to speak would have been during the committee hearing.

Councillor Schneider said that he read the minutes of the meeting and watched it on Channel 16, but the issue of the PLA did not come up, and therefore he still has outstanding questions. He asked if there is anyone from Kite Development or Mansur Real Estate Services in attendance to answer questions. Tom McGowan, Kite Development, Inc., said that he would be glad to answer questions. Councillor Schneider asked if the PLA was mandated by the Mayor or the Bond Bank in discussing this project. Mr. McGowan said that the concept of a PLA was discussed but was never stated as a requirement of the development deal. He said that his company has used PLAs in the past on other projects in the area, and they have worked well, therefore they found the concept of a PLA acceptable. Councillor Schneider asked if, however, the City is the entity that actually instigated the PLA. Mr. McGowan said that it was not stated as a requirement, but the concept was discussed. He said that a PLA has been a part of many projects in the past, and the developers saw no problem with the concept.

Councillor Salisbury said that this financing seems similar to the United Airlines (UAL) project, and now the City is responsible for that debt. Mr. Clifford said that there were two parts to the UAL financing. Economic Development Commission (EDC) bonds are always paid by the City, but the bond issue to the Airport Authority is in default and is not the City's responsibility. Councillor Salisbury asked if the part paid by the City is paid by taxpayers. Mr. Clifford said that property tax, tax increment financing (TIF), and County Option Income Tax (COIT) dollars are pledged for that repayment. Councillor Salisbury asked what remnant of this debt is left. Mr. Clifford said that it would be roughly \$130 million. Councillor Salisbury said that he views this a public financing for soft business. He stated that the travel industry is weak right now, and he believes putting public money into this project is a mistake. He said that the project itself has merit, and if private funding was being used, he would not have a problem. He said that he has concerns about using public funds for projects where private investors should be sought.

Councillor Gray called for the question on the previous motion. Councillor Talley seconded the call for the question. The motion carried on the following roll call vote; viz:

15 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley
12 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider
2 ABSENT: Langsford, Speedy

Proposal No. 47, 2004 was adopted on the following roll call vote; viz:

17 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Plowman, Sanders, Talley
10 NAYS: Borst, Bradford, Cain, Cockrum, Day, McWhirter, Pfisterer, Randolph, Salisbury, Schneider
2 ABSENT: Langsford, Speedy

February 9, 2004

Proposal No. 47, 2004 was retitled SPECIAL ORDINANCE NO. 1, 2004, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 2004

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue one or more series of its "Economic Development Revenue Bonds, Series 2004 (Circle Block Project)" in an aggregate principal not to exceed \$30,250,000 and approving and authorizing other actions in respect thereto.

WHEREAS, (a) the Department of Metropolitan Development (the "DMD"), acting for and on behalf of the Metropolitan Development Commission of Marion County, Indiana, in its capacity as the Redevelopment Commission of the City of Indianapolis, Indiana (the "MDC"), (b) the Circle Area Community Development Corporation, a Marion County community development corporation (the "Corporation"), and (c) Circle Block Funding, Inc., an Indiana corporation whose principals are Kite Development and Mansur Real Estate Services (the "Developer"), have entered into a Washington/Illinois Street Project Agreement dated as of January 21, 2004 (the "Project Agreement"), which Project Agreement was ratified and approved by the MDC on January 21, 2004 relating to the development of certain real property located near the northeast corner of Washington Street and Illinois Street in downtown Indianapolis and the construction of a 22-story hotel, including parking, retail and related facilities (the "Project"); and

WHEREAS, as an inducement to the Developer to undertake the development of the Project, DMD has agreed, pursuant to the Project Agreement, to cause to be provided certain funds for use in the development of the Project; and

WHEREAS, the City of Indianapolis Economic Development Commission (the "EDC") has rendered its report regarding the proposed financing of a portion of certain economic development facilities for the Project to be undertaken by the Developer (and certain entities related thereto), and the Corporation (together, the "Applicant"), and the MDC has commented on such report; and

WHEREAS, the EDC has heretofore (i) conducted a public hearing in accordance with Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and (ii) adopted a resolution subsequent to such public hearing, which resolution has been transmitted hereto, finding that the financing of a portion of certain economic development facilities to be developed by the Applicant through the issuance of one or more series of City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 2004 (Circle Block Project) (the "City Bonds") complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively, the "Act") and that such financing will be of benefit to the health, prosperity, economic stability and general welfare of the City of Indianapolis, Indiana (the "City"), and its citizens; and

WHEREAS, the EDC has heretofore approved and recommended the adoption of this form of ordinance by this City-County Council (the "Council"), has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Council, the Financing Agreements, the Trust Indentures, the Qualified Entity Purchase Agreements and the form of the City Bonds (collectively hereinafter referred to as the "Financing Documents");

WHEREAS, the MDC has available certain funds generated through certain hedge agreements entered into by The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") in connection with the issuance of bonds by the Redevelopment District of the City of Indianapolis for purposes of refinancing certain outstanding obligations of the District (the "Available Funds"), which Available Funds may be used for costs of acquisition and redevelopment in or serving the Consolidated/Harding Street Redevelopment Area; and

WHEREAS, pursuant to City-County General Resolution No. 1, 2001 (Proposal No. 66, 2001) the Council required any project to be funded from the Available Funds (defined as a "2003 New Money Project") to be approved by the Council before such project is undertaken; and

WHEREAS, the MDC has agreed to pledge certain of the Available Funds to the repayment of the City Bonds (or to fund a portion of the Debt Service Reserve Fund for the City Bonds), subject to approval by the Council as set forth above; and

WHEREAS, the MDC has authorized the pledge of certain amounts received or to be received as a grant from the Corporation (the "Grant Revenues") to the repayment of the City Bonds; now, therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of a portion of the economic development facilities for the Project referred to in the Financing Documents previously approved by the EDC and presented to the Council, the issuance and sale of the City Bonds (one or more series of which may bear interest that is excludable from gross income and one or more other series of which may bear interest that is not excludable from gross income for federal tax purposes), the use of the proceeds of the City Bonds by the Applicant for the financing of a portion of the costs of the Project, the payment of the City Bonds from the Available Funds, the Grant Revenues and other sources pursuant to the Financing Agreements, and the securing of the City Bonds under the Trust Indentures complies with the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

SECTION 2. At the public hearing held before the EDC, the EDC considered whether the Project would have an adverse competitive effect on any similar facilities located in or near the City. This Council hereby confirms the findings set forth in the EDC's resolution, and concludes that the Project will be of benefit to the health, prosperity, economic stability and general welfare of the citizens of the City.

SECTION 3. The substantially final forms of the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the Council and kept on file by the Clerk of the Council or the City Controller. In accordance with the provisions of Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 4. The City shall issue the City Bonds in one or more series in a total maximum principal amount not to exceed Thirty Million Two Hundred Fifty Thousand Dollars (\$30,250,000), and shall mature no later than thirty-five (35) years from the date of the first principal payment thereon. The City Bonds are to be issued for the purpose of procuring funds to pay the costs of a portion of the acquisition, construction, installation and equipping of the Project, as more particularly set out in the Financing Documents, incorporated herein by reference, which City Bonds will be payable as to principal, premium, if any, and interest from Available Funds, the Grant Revenues and other sources pursuant to the Financing Agreements or as otherwise provided in the above-described Trust Indentures. The City Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City nor are the City Bonds payable in any manner from revenues raised by taxation.

SECTION 5. The Controller of the City (the "Controller") is authorized and directed to sell the City Bonds to the Bond Bank at a negotiated sale. Subject to the parameters set forth in Section 4 of this Ordinance, the City Bonds shall be sold to the Bond Bank at the rates of interest and at the prices (plus accrued interest), if any, negotiated by the Controller and set forth in a purchase agreement between the City and the Bond Bank (the "QE Purchase Agreement"). The Controller is authorized to execute, on behalf of the City, the QE Purchase Agreement, with such changes thereto as the Controller may approve, his/her approval to be conclusively evidenced by his/her execution thereof. The Controller is further authorized to approve the use of any necessary information regarding the City for inclusion in any offering memorandum or other disclosure document used in connection with the offering and sale of the City Bonds (or of bonds by the Bond Bank, the proceeds of which will be used to purchase the City Bonds).

SECTION 6. The Mayor of the City (the "Mayor"), the Controller and the Clerk of the City are, and each of them is, authorized and directed to execute, attest and affix or imprint by any means the seal of the City to the Financing Documents approved herein on behalf of the City and any other document which may be necessary or desirable prior to, on or after the date hereof to consummate or facilitate the transaction, including the City Bonds authorized herein. The Mayor and the Controller are, and each of them is, hereby expressly authorized to approve any modifications or additions to the Financing Documents which take place after the date of this Ordinance without further approval of this Council or the EDC if such modifications or additions do not affect the terms set forth in this Ordinance and the Financing Documents pursuant to IC 36-7-12-27(a). The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon. The signatures of the Mayor and the Clerk on the City Bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such City Bonds to the Trustee named in the Trust Indentures, and payment for the City Bonds will be made to the Trustee named in the Trust Indentures and after such payment, the City Bonds will be delivered by the Trustee to the purchasers thereof. The City Bonds shall be originally dated the date of issuance and delivery thereof.

SECTION 7. The provisions of this Ordinance and the Financing Documents securing the City Bonds shall constitute a contract binding between the City and the holders of the City Bonds, and after the issuance of the City Bonds, this Ordinance shall not be repealed or amended in any respect which would

adversely affect the rights of such holders so long as the City Bonds or the interest thereon remains unpaid.

SECTION 8. The Council does hereby acknowledge and approve (a) the issuance of bonds by the Bond Bank to fund the purchase of the City Bonds; and (b) the establishment and funding of a Debt Service Reserve Fund to support the Bond Bank Bonds that will be subject to the provisions of IC 5-1.4-5-1 and Special Ordinance No. 67, 1985, previously adopted by the Council on October 28, 1985.

SECTION 9. The Council does hereby approve the use of the Available Funds for the Project, [and in particular for the payment of debt service or funding of a debt service reserve with respect to the City Bonds, the proceeds of which will be used to fund a portion of the cost of acquisition, construction, improvement and equipping of the Project,] and that such use of Available Funds shall be deemed a "2003 New Money Project," all in accordance with the provisions of City-County General Resolution No. 1, 2001.

SECTION 10. The Council does hereby acknowledge and approve (a) the execution and delivery of the Project Agreement by DMD; (b) the receipt of the Grant Revenues from the Corporation; and (c) the pledge of the Grant Revenues and the Available Funds, as applicable, to the payment of the City Bonds pursuant to the respective Trust Indentures. Pursuant to IC 5-1-14-4, the pledge of the Grant Revenues and the Available Funds pursuant to the respective Trust Indentures is intended to be binding from the time the pledge is made, with such Grant Revenues and Available Funds so pledged and thereafter received by the City to be immediately subject to the lien of the pledge without any further act, and the lien of such pledge to be binding against all parties having claims of any kind, in tort, contract, or otherwise against the City, regardless of whether the parties have notice of any such lien.

SECTION 11. The Council hereby finds that (a) the Project and the related financing assistance for the Project provided in the Project Agreement are consistent with the redevelopment plan for the Redevelopment Area; (b) the Developer would not develop the Project on the subject real estate, and the subject real estate could not be developed pursuant to the redevelopment plan, without the financing assistance provided in the Project Agreement; (c) the Project furthers the economic development and redevelopment of the Redevelopment Area; and (d) the Project will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

SECTION 12. This Ordinance shall be effective upon its passage by the Council and approval by the Mayor of the City, in accordance with procedures as required by law.

Councillors Borst, McWhirter, Schneider, Bradford, Cain, Pfisterer, and Randolph asked for consent to explain their votes. Consent was given.

Councillor Borst said that he has great respect for Kite Development and Mansur Real Estate, but that he thinks this is the wrong project for this prime property. He said that he agreed with the Mayor in stopping the development proposed for this space by the prior administration, but thinks the City is still settling for less on this parcel.

Councillor McWhirter said that she opposed the proposal because she feels more discussion needs to occur with regards to the restrictions of the PLA, and she would have liked to have seen the proposal returned to committee.

Councillor Schneider said that it is an exciting project and he thinks it is a good move, but believes Councillors were stifled and not allowed to speak in order to explore the PLA requirements further.

Councillor Bradford said that he has great admiration for the Kite family and all the work they have done for this City, but he has problems with discussion being curtailed and items being pushed through too quickly. He said that with more than half of the Council being new and the committees being smaller, he thinks more time should be afforded for questions. He said that committee hearings are not always sufficient for the type of public hearing that is needed.

Councillor Cain said that she opposed the proposal because she believes adequate conversation was not allowed. She added that Mr. Gaylor should have been given equal time to speak, as the Union representative was allowed to speak.

Councillor Pfisterer said that she is not against the concept of this project, but also felt there were other questions not answered, such as with regards to safety, and discussion was stopped before she had a chance to ask them.

Councillor Randolph said that PLAs use the power of local government to prohibit qualified individuals from participating in important projects. He said that he is not anti-Union, and as an Indianapolis firefighter, is himself a member of a Union. However, he believes this is discrimination, and he opposes discrimination of any kind and Indianapolis cannot build a world class city on a bedrock of discrimination.

Councillor Talley said that he held a fair public hearing in committee and the meeting was properly publicized. He said that just because a Councillor is not a member of a committee does not mean they cannot attend and participate in any committee hearing they wish to. He said that Councillor Keller attended the committee hearing and was allowed to speak. He said that everyone who wished to speak on the subject in committee was allowed to. Councillor Gray agreed and said that it is out of order to start this type of debate on the Council floor when it is better handled through the committee process.

Councillor Boyd said that he believes some members of this body have abused the process of the Council with regards to explaining their vote, by continuing to debate a topic which has already been voted on. He said that he believes he allowed more latitude than should have been allowed, and if there is consensus that a tighter adherence to rules be observed, he will go to the details of the Council Rules, which would be even more stifling. He encouraged members to protect the full process, by keeping in-depth discussions at the Committee level.

PROPOSAL NO. 50, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 50, 2004 on February 5, 2004. The proposal, sponsored by Councillor Moriarty Adams, authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management (IDEM) to fund the upgrade of one of the household hazardous waste collection facilities, the addition of a waste oil bulking tank at another facility, and the addition of public service announcements. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal No. 50, 2004 was adopted on the following roll call vote; viz:

23 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Salisbury, Sanders

0 NAYS:

4 NOT VOTING: Keller, Randolph, Schneider, Talley

2 ABSENT: Langsford, Speedy

Proposal No. 50, 2004 was retitled SPECIAL RESOLUTION NO. 4, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 4, 2004

PROPOSAL FOR A SPECIAL RESOLUTION authorizing the Department of Public Works, Office of Environmental Services to apply for grant assistance from the Indiana Department of Environmental Management (IDEM) to fund the upgrade one of the household hazardous waste collection facilities, to

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fund the addition of a waste oil bulking tank at another facility, and to fund the addition of public service announcements.

WHEREAS the City-County Council of Indianapolis, Marion County, Indiana is the County legislative body and is by law authorized to adopt ordinances and resolutions concerning governmental and internal affairs of Marion County, Indiana; and

WHEREAS the City-County Council of Indianapolis, Marion County, Indiana has consistently demonstrated support for environmental programs which show an interest in protecting the environmental health of the residents of Marion County;

WHEREAS, IC 13-20-20-3 (b)(6) requires a resolution authorizing the project and the grant request; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby authorizes the grant request and the continued participation of the Department of Public Works' Office of Environmental Services in the household hazardous waste program.

SECTION 2. The Office of Environmental Services intends to carry out all the specific activities listed in the grant.

SECTION 3. The Office of Environmental Services shall allow IDEM employees to have access to and inspect the household hazardous waste collection sites and materials involved in the projects.

SECTION 4. The Office of Environmental Services shall maintain appropriate records that document all expenditures made during the project and shall submit a final report detailing all project activities, achievements, and problems as required by IDEM.

SECTION 5. The Office of Environmental Services will follow a timetable that completes the project within 12 months, agrees to hold established collection events in accordance with the grant application and submit reports on or before the date that IDEM requires them.

SECTION 6. The Office of Environmental Services shall commit the funding (excluding the grant amount) required to implement and administer the project.

SECTION 7. The Council affirms that the City has an existing permanent household hazardous waste program and affirms that the City already has an on-going education program that stresses source reduction for household hazardous waste and the substitution of non-hazardous alternatives.

SECTION 8. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 51-54, 2004 on February 5, 2004. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 51, 2004. The proposal, sponsored by Councillors McWhirter and Salisbury, authorizes a multi-way stop at the intersection of Ingomar Street and McCarty Street (Districts 6, 13). PROPOSAL NO. 52, 2004. The proposal, sponsored by Councillor Cockrum, authorizes a multi-way stop at the intersection of Gambel Road and Rainbow View Drive (District 22). PROPOSAL NO. 53, 2004. The proposal, sponsored by Councillor Cockrum, authorizes a multi-way stop at the intersection of Lynhurst Drive, Margate Road, and Rixon Avenue (District 22). PROPOSAL NO. 54, 2004. The proposal, sponsored by Councillor Abdullah, authorizes a change in parking restrictions for Davidson Street from Washington Street to Market Street (District 15). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Gray, for adoption. Proposal Nos. 51-54, 2004 was adopted on the following roll call vote; viz:

21 YEAS: Abdullallah, Borst, Bowes, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Salisbury

0 NAYS:

6 NOT VOTING: Boyd, Keller, Randolph, Sanders, Schneider, Talley

2 ABSENT: Langsford, Speedy

Proposal No. 51, 2004 was retitled GENERAL ORDINANCE NO. 1, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 1, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Ingomar St McCarty St	McCarty St.	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Ingomar St McCarty St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 52, 2004 was retitled GENERAL ORDINANCE NO. 2, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
37	Gambel Rd Rainbow View Dr	Gambel Rd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
37	Gambel Rd Rainbow View Dr	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

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Proposal No. 53, 2004 was retitled GENERAL ORDINANCE NO. 3, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 3, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
37	Lynhurst Dr Margate Rd Rixon Ave	Lynhurst Dr	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
37	Lynhurst Dr Margate Rd Rixon Ave	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 54, 2004 was retitled GENERAL ORDINANCE NO. 4, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

*Davidson Street, on both sides, from
Washington Street to Market Street*

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

*Davidson Street, on the west side, from
Washington Street to Market Street*

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

President Boyd reminded Councillors of the orientation workshops being presented by the Indianapolis Chamber of Commerce. He said that both new and incumbent Councillors will find these workshops helpful and he encouraged members to attend tomorrow morning's training session at 7:30 a.m. at the Hilton Garden.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Speedy in memory of Noel Hightower; and
- (2) Councillor Talley in memory of Eleanor L. Holland Allen and Louise Davis Gorden; and
- (3) Councillor Randolph in memory of Theron Kimmons, Curtis M. King, Sr., and William Payne.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Noel Hightower, Eleanor L. Holland Allen, Louise Davis Gorden, Theron Kimmons, Curtis M. King, Sr., and William Payne. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:48 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 9th day of February, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)